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July 30, 2004

TO: Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Art Unit 2829 - Examiner Kilday, Lisa A

FROM: George O. Saile, Reg. No. 19,572
28 Davis Avenue
Poughkeepsie, N.Y. 12603

SUBJECT: Serial #: 10/638,235
File Date: Aug. 8, 2003
Inventor: ChaoYong Li
Examiner: Kilday, Lisa A
Art Unit: 2829
Title: Method to Form Copper Seed Layer for Copper Interconnect

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the Election of Species Requirement in the Office Action dated June 30, 2004. In that office action, applicant was required under 35 U.S.C. 121

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 30, 2004.

Signature 
Stephen B. Ackerman, Reg. No. 37,761

Date: July 30, 2004

to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable, and that currently Claim 1 claim is generic.

The species stated are:

Species I: formation of a Copper seed layer (pg. 5, lines 6-9), which reads on Claims 1-13, and

Species II: formation of a dual damascene device (fig. 5), which reads on Claims 14-29.

Applicant provisionally elects to be examined the species described by the Examiner as Species I: Formation of a Copper seed layer, which reads on Claims 1-13. This election is made with traverse of the requirement under 37 C.F.R. 1.143 for the reasons given in the following paragraphs.

The Examiner is respectfully requested to reconsider the Requirement for Election of Species given in the Office Action, because of the increased costs applicant would be forced to bear if the two species are separately examined. Furthermore, the field of search must necessarily cover both species, in addition to other related Classes and subclasses, to provide a complete and adequate search.

In addition, the requirement for the Election of Species is believed to be incorrect, as the invention of Species I, formation of a copper seed layer, is needed any damascene structure, either in the formation of a dual damascene structure identified by the Examiner as Species II, or in the formation of other damascene structures such as single damascene.

Withdrawal of the Election of Species Requirement, and allowance of the present Patent Application, is therefore respectfully requested.

It is requested that should there be any problems with this response, please call the undersigned Attorney at (845) 452-5863.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. B. Ackerman', with a stylized flourish at the end.

Stephen B. Ackerman, Reg. No, 37,761